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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

WALTER DUFFY, an individual; ANA DUFFY, an individual; SALLY DURON, an individual; HONESTO DE LA CRUZ, an individual; EMILY DE LA CRUZ, an individual; WILLIAM FENRICH, an individual; SUVAREE FENRICH, an individual; VICTOR MCGEE, an individual; ANGELA MCGEE, an individual; MARIGOLD FLOWERS, an individual; CHARMEL GOODLOE, an individual; ALONDRE SMITH, an individual; TERRANCE EMTER, an individual; MARY EMTER, an individual; GERARDO RODRIGUEZ, an individual; YESSANIA RODRIGUEZ, an individual; CALVIN MORRISON, an individual; SANDRA MORRISON, an individual; ROBBIE FRANKLIN, an individual; JULIE HAPE, an individual; BARBARA JOHNSON, an individual; HENRY MAXWELL, an individual; CAROL MAXWELL, an individual; JOHN CAPUTO, an individual; SANDRA GERSTNER, an individual; DEE TERRELL, an individual; MAE TERRELL, an individual; RONALD ARNOLD, an individual; CYNTHIA ARNOLD, an individual; ROGER WORKMAN, an individual; BRENDA WORKMAN, an individual; JAMES GRASSE, an individual; REBECCA GRASSE, an individual; PAUL SILVERMAN, an individual; and JUDITH SILVERMAN, an individual,

Plaintiffs

vs.

CASE NO.: 2:21-cv-01680-CDS-DJA

**STIPULATION AND ORDER TO
DISMISS CERTAIN PLAINTIFFS'
JULIE HAPE AND ROBBIE
FRANKLIN FROM THIS
LITIGATION
WITH PREJUDICE**

ASNY NY, LLC, a Nevada limited liability company; THE ASNY COMPANY, LLC, a Delaware limited liability company; TAHITI VILLAGE VACATION CLUB, a Nevada corporation; TAHITI VILLAGE MASTER OWNERS' ASSOCIATION, a Nevada corporation; CLUB DE SOLEIL VACATION CLUB, a Nevada corporation; SOLEIL MANAGEMENT, LLC, a Nevada limited liability company; a Nevada Limited Liability Company; Roes and Does

Defendants

Certain Plaintiffs Julie Hape and Robbie Franklin, and Defendants, by and through their respective attorneys of record, hereby enter into the following *Stipulation and Order*.

RECITALS

A. On June 1, 2023, Certain Moving Plaintiffs filed their CONDITIONAL MOTION FOR VOLUNTARY DISMISSAL PURSUANT TO FRCP 41(a)(2) AND TO AMEND THE PLEADINGS PURSUANT TO FRCP 15(a). *See* ECF No. 90.

B. On June 28, 2023, Certain Moving Plaintiffs' CONDITIONAL MOTION FOR VOLUNTARY DISMISSAL PURSUANT TO FRCP 41(a)(2) AND TO AMEND THE PLEADINGS PURSUANT TO FRCP 15(a) was denied *without prejudice*. *See* ECF No. 95.

C. On July 6, 2023, Certain Moving Plaintiff's refiled their CONDITIONAL MOTION FOR VOLUNTARY DISMISSAL PURSUANT TO FRCP 41(a)(2) AND TO AMEND THE PLEADINGS PURSUANT TO FRCP 15(a). *See* ECF No. 96.

D. Neither Julie Hape nor Robbie Franklin were included as a 'Moving Plaintiff' in the CONDITIONAL MOTION FOR VOLUNTARY DISMISSAL PURSUANT TO FRCP 41(a)(2) AND TO AMEND THE PLEADINGS PURSUANT TO FRCP 15(a). *See* ECF No. 96.

E. On July 20, 2023, the Court issued an Order Granting Certain Plaintiff's Motion for Voluntary Dismissal. *See* ECF No. 100.

F. On August 3, 2023, the law firm of Albright, Stoddard, Warnick, and Albright (ASWA) received a phone call from Julie Hape and Robbie Franklin, who requested that they both also be dismissed from this litigation with prejudice.

STIPULATION

1. Defendants hereby stipulate and agree to dismiss Certain Plaintiffs' JULIE HAPE and ROBBIE FRANKLIN as Plaintiffs in this litigation *with prejudice*.

2. Defendants hereby stipulate and agree that Certain Plaintiff's JULIE HAPE and ROBBIE FRANKLIN's dismissal *with prejudice* shall be under the same terms and conditions as that of the Moving Plaintiffs in the CONDITIONAL MOTION FOR VOLUNTARY DISMISSAL PURSUANT TO FRCP 41(a)(2) AND TO AMEND THE PLEADINGS PURSUANT TO FRCP 15(a). *See* ECF No. 96.

3. The law firm of Albright, Stoddard, Warnick, and Albright hereby stipulates and agrees to remove JULIE HAPE and ROBBIE FRANKLIN from the caption of the third-amended complaint that the Court has ordered due by August 9, 2023. *See* ECF No. 100.

DATED this 7th day of August, 2023.

**ALBRIGHT, STODDARD, WARNICK
& ALBRIGHT**

HUTCHISON & STEFFEN, PLLC

/s/ Kyle W. Fenton, Esq.

/s/ Shelby A. Dahl, Esq.

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ORDER

IT IS SO ORDERED.


United States District Judge

DATED: August 8, 2023

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